

Judge Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEXANDER MILMAN,
OLEG ORDINARTSEV, and
VLADIMIR MITKOVETSKI,

Defendants.

NO. CR06-245JLR

ORDER GRANTING MOTION FOR
CONTINUANCE OF TRIAL
AND MOTIONS DEADLINE

The United States has filed an unopposed motion to continue the trial dates for Defendants Vladimir Mitkovetski and Oleg Ordinartsev until May 1, 2007, the date previously set for the trial of their co-defendant Alexander Milman. The Court has reviewed all relevant pleadings, and will grant the government's motion.

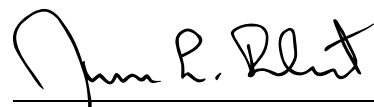
All three defendants are named in the Second Superseding Indictment in this case. Section 3161(h)(7) of the Speedy Trial Act, permits "a reasonable period of delay when the defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted." 18 U.S.C. §3161(h)(7). The Court agrees with the parties that this is a complex case with voluminous discovery, and that failure to grant such a continuance would "unreasonably deny . . . counsel for the defendant[s] . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

1 The Court selects the May 1, 2007 date suggested by the government. The trials of all
 2 three defendants named in the Second Superseding Indictment should take place at the same
 3 time. Any other date would require there to be two virtually identical trials, which would
 4 place unnecessary burdens on the Court, and otherwise constitute a waste of valuable judicial
 5 resources.

6 Accordingly, the Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), that
 7 the failure to grant a continuance of the trial date would “unreasonably deny . . . counsel for
 8 the defendant[s] . . . the reasonable time necessary for effective preparation, taking into
 9 account the exercise of due diligence.” 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv). The Court
 10 also finds that, pursuant to 18 U.S.C. § 3161(h)(8)(A), and §§ 3161(h)(8)(B)(i), (ii) and (iv),
 11 that the ends of justice served by granting such a continuance outweigh the best interests of the
 12 public and the defendant in the speedy trial. The Court finds that the time period between the
 13 current trial date of February 13, 2006 and March 30, 2007, constitutes excludable time under
 14 the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(8)(A), and that the time period between
 15 March 30, 2007 and May 1, 2007, constitutes excludable time under the Speedy Trial Act
 16 pursuant to 18 U.S.C. §3161(h)(7) as a reasonable period of delay due to the defendants being
 17 joined for trial with codefendant Alexander Milman whose trial is set for May 1, 2007, and as
 18 to whom the time for trial has not run.

19 Therefore, upon consideration of this motion and all other relevant materials, IT IS
 20 HEREBY ORDERED that the trial date for Vladimir Mitkovetski and Oleg Ordinartsev be
 21 continued to May 1, 2007, and that the Pretrial Motions deadline be continued to March 1,
 22 2007.

23 This 12th day of January, 2007.

24
 25 

26 JAMES L. ROBART
 27 United States District Judge
 28

Submitted by:

s/Peter Winn

Peter A. Winn

Assistant U.S. Attorney